

**South Dakota Public Utilities Commission Meeting
Tuesday, January 16, 2007, at 3:00 P.M.
DDN Studio A, State Capitol Building
Pierre, South Dakota**

MINUTES OF THE AD HOC COMMISSION MEETING

Chairman Dustin Johnson called the meeting to order present were: Vice Chairman Gary Hanson; Commissioner Steve Kolbeck; Commission Advisor Greg Rislov; Commission Attorney Rolayne Wiest; Staff Attorney Kara VanBockern; Staff Analysts Keith Senger, Harlan Best, Brian Rounds and Bob Knadle; and Administrative Secretary Demaris Axthelm.

Joining the meeting by telephone were: Mary Sisak, Blooston, Mordkofsky, Dickens, Duffy & Pendergast, representing Swiftel Communications; Jim Adkins, Swiftel Communications; Peter Rasmusson and Marlene Bennett, Martin Group; James Overcash, Woods & Aitken representing Interstate Telecommunication Cooperatives; Talbot Wieczorek, Gunderson, Palmer, Goodsell & Nelson representing Sprint Communications Company L.P.; Monica Barone, Sprint Communications Company L.P.; Pat Maroney and Chad Hahner, representing Sprint; Meredith Moore, Cutler & Donahoe representing Interstate Telecommunications Cooperatives; and Richard Helsper, Brookings Municipal Utilities.

Telecommunications

- 1. TC06-175 In the Matter of the Petition of Sprint Communications Company L.P. for Arbitration pursuant to the Telecommunications Act of 1996 to Resolve Issues Relating to an Interconnection Agreement with Interstate Telecommunications Cooperative, Inc. (Staff Analyst: Harlan Best, Staff Attorney: Kara Van Bockern)**

See link to view Transcript;

http://www.state.sd.us/puc/commission/minutes/minutes_2007/transcripts/011607TC06-175.pdf

Chairman Johnson moved that the commission grant the Motion to Compel in regards to Document Requests 2 and 3 and for Sprint to produce the agreement between MCC and Sprint, and also Sprint would have an opportunity to redact highly confidential information. Vice Chairman Hanson seconded and Commissioner Kolbeck Concurred. Motion passed 3-0

Chairman Johnson moved to grant the Motion to Compel regarding Interrogatory 14 for director level and higher for those that negotiating on behalf of Sprint. Commissioner Kolbeck seconded and Vice Chairman Hanson concurred.

Motion Passed 3-0

Chairman Johnson also moved to deny the Motion to Compel regarding Interrogatory 15. Vice Chairman Hanson seconded and Commissioner Kolbeck dissented. Motion passed 2-1

For Interrogatories 16, 17 and 18 Chairman Johnson moved that Sprint should provide a list of agreements with cable providers, noting those that have essentially identical terms and noting those which have material differences, but the agreements themselves need not to be produced. Vice Chairman Hanson seconded and Commissioner Kolbeck concurred. Motion passed 3-0

Chairman Johnson moved that in regards to Document Request 6, Sprint would be required to produce the information. Commissioner Kolbeck seconded and Vice Chairman Hanson dissented. Motion passed 2-1

2. TC06-176 In the Matter of the Petition of Sprint Communications Company L.P. for Arbitration Pursuant to the Telecommunications Act of 1996 to Resolve Issues Relating to an Interconnection Agreement with Brookings Municipal Utilities d/b/a Swiftel Communications. (Staff Analyst: Harlan Best, Staff Attorney: Kara Van Bockern)

See link to view transcript:

http://www.state.sd.us/puc/commission/minutes/minutes_2007/transcripts/011607TC06-176.pdf

Chairman Johnson moved to grant Swiftel's Motion to Compel regarding Discovery Requests 13, 14 and 15 but, also, allow Sprint an opportunity to redact the highly confidential rate information. Commissioner Kolbeck seconded and Vice Chairman Hanson concurred. Motion passed 3-0

Chairman Johnson moved that for Discovery Request 13, 14 and 15 that discovery on those items would be limited to cable companies and to offerings in South Dakota. Vice Chairman Hanson seconded and Commissioner Kolbeck concurred. Motion passed 3-0

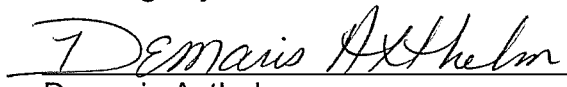
Chairman Johnson moved to grant Swiftel's Motion to Compel for Discovery Requests 18 and 20. Vice Chairman Hanson seconded and Commissioner Kolbeck dissented. Motion passed 2-1

Chairman Johnson moved to grant Swiftel's Motion to Compel regarding Discovery Request 23, 24, 25 and 26. Vice chairman Hanson seconded and Commissioner Kolbeck concurred. Motion passed 3-0

Chairman Johnson moved in regards Swiftel's motion for PDR 1, PDR 4 and PDR 6, that the Commission find the agreement between MCC and Sprint should be produced subject to allowing Sprint the opportunity to redact highly confidential information. Vice Chairman Hanson seconded and Commissioner Kolbeck concurred. Motion passed 3-0

Chairman Johnson moved to deny the Swiftel's Motion to Compel in regards to PDR 3, PDR 5 and PDR 8 based on Sprint's representations that it does not have the documents. However, to the extent the document requested become available, Sprint shall provide them to Swiftel. Commissioner Kolbeck seconded and Vice Chairman Hanson dissented. Motion passed 2-1

Meeting adjourned.


Demaris Axthelm
Administrative Secretary